

ORDINANCE NO. 01-08-14-A

**AN ORDINANCE OF THE VILLAGE OF BEE CAVE, TEXAS
AMENDING ARTICLE 12.100 OF THE VILLAGE'S CODE OF
ORDINANCES**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF
BEE CAVE, TEXAS:**

**Section 1. Chapter 12, Article 12.100, of the Code of Ordinances, Village of Bee
Cave, Texas is hereby amended as follows:**

Sec. 12.103(j) is deleted.

Sec. 12.106(f)(1) is amended to read as follows:

**"A nonconforming use may be extended within an existing structure a maximum of ten percent (10%) of its
original size, provided that:**

- (A) No alteration shall be made to the structure occupied by the nonconforming use,
except those required by law to preserve the integrity of the structure; and**
- (B) The number of dwelling units occupying the structure shall not exceed the number
of dwelling units existing at the time the use became nonconforming."**

Sec. 12.108(f)(6)(A) is amended to read as follows:

- "(A) Expansion of a nonconforming use within an existing structure a maximum of ten percent (10%) of
its original size; provided that, in the case of a nonconforming residential use, such expansion does
not increase the number of dwelling units to more than the number existing when the use first
became nonconforming; or"**

Section 12.108(g) is renumbered as Sec. 12.108(h).

Section 12.108(h) is renumbered as Sec. 12.108(g).

Sec. 12.111 is amended to read as follows:

- "(a) Purpose - This Section establishes a site plan review process for all proposed nonresidential and
residential developments. The purpose of the review is to ensure efficient and safe land
development, harmonious use of land, compliance with the Comprehensive Plan appropriate design
standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate
water supply, drainage and storm water management, sanitary facilities, coverage, and other utilities**

and services.

- (b) **Applicability** - Site plan review and approval shall be required for all nonresidential and residential projects and any Planned Development District, Planned Development Overlay District, or Conditional Use Permit. Public hearings may also be required, as set forth in Sec. 12.127, Sec. 12.128, and Sec. 12.129).

No building permit shall be issued for any of the above developments until a site plan and all other required engineering or construction plans are first approved by the Village. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering or construction plans, as approved by the Village. The site plan review process shall include up to 4 steps:

- (1) Pre-application conference;
 - (2) Concept Plan Review;
 - (3) Site Plan Review; and,
 - (4) Construction of Project after Village approval of required site plan and other associated plans, including preliminary plat and engineering plans.
- (c) **Exemptions and Exceptions** - Site plan review shall not be required for single-family detached residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings, such as a private recreation or swimming facility or clubhouse or a golf course, or unless the proposed subdivision will have private streets. In these instances, site plan submission and approval, in accordance with this Section, will be required for the private amenity or facility, the golf course clubhouse and hospitality area, and the gated entrances.
- (d) **Payment of all Indebtedness Attributable to Subject Property** - No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village, and which are directly attributable to a piece of property shall be allowed to submit an application for concept plan or site plan until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement satisfactory to the Village has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, debts and obligations have been paid.
- (e) **Official Submission Date and Completeness of Application** -
- (1) For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of a concept plan or site plan, that contains all

elements and information required by this article, is first submitted to the Village Administrator. No application shall be deemed officially submitted until the Village Administrator determines that the application is complete and a fee receipt is issued by the Village. Failure by the Village Administrator to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the 10th calendar day following initial receipt of the application by the Village.

- (2) Concept plan and site plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a Commission agenda until the proper information is provided to Village staff.
- (f) **Principles and Standards for Concept Plan and Site Plan Review and Evaluation** - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the Village, and to ensure that all developments are constructed according to the Village's codes and ordinances.

The Village Administrator shall review the concept plan or site plan for compliance with all applicable Village ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of the Village; for the promotion of the health, safety, order, efficiency, and economy of the Village; and for the maintenance of property values and the general welfare.

Concept plan or site plan review and evaluation by the Village Administrator shall be performed with respect to the following:

- (1) The plan's compliance with all provisions of this article and other ordinances of the Village.
- (2) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
- (3) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
- (4) The provision of a safe and efficient vehicular and pedestrian circulation system.
- (5) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- (6) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.

- (7) The coordination of streets so as to arrange a convenient system consistent with the Future Thoroughfare Plan of the Village.
 - (8) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
 - (9) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
 - (10) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - (11) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
 - (12) Protection and conservation of water courses and areas subject to flooding.
 - (13) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
 - (14) Consistency with the Comprehensive Plan.
- (g) **Supplemental Requirements** - The Village's staff may require other information and data for specific concept plans and site plans. This data may include but is not limited to geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a concept plan or site plan may establish conditions for construction based upon such information.
- (h) **Review Process:**
- (1) **Pre-application Conference** - The applicant(s) should avail themselves of the advice and assistance of the Village officials, and should consult early and informally with the Village Administrator, the Building Official, or other designated administrative officers before preparing a concept plan, which is a voluntary plan, except for Planned Development, Planned Development Overlays, and Conditional Use Permits, or a site plan in order to save time, money and to avoid potential unnecessary delays.

Prior to formal application for approval of any concept plan or site plan, the applicant(s) shall request and attend a pre-application conference with the Village Administrator, the Village Engineer, the Building Official, and any other pertinent Village official(s) in order to become familiar with the Village's development regulations and the development process. At the pre-application conference, the developer may be represented by its land planner, engineer or surveyor.

- (2) **Village Staff Review** - Upon official submission of a complete application for concept plan or site plan approval, the Village shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the Village Administrator, Village Engineer and Village Planner. Development review team members shall review the application and shall ascertain its compliance with these and other applicable Village regulations. Following Village staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the Village Administrator no later than seven (7) calendar days prior to the Commission meeting. Failure to resubmit corrected copies of the plan back to the Village in time shall be cause for the Village Administrator to forward the plan application to the Commission as it was originally submitted rather than the corrected version. Corrected copies of the plan resubmitted to the Village less than seven days prior to the meeting date shall not be accepted or forwarded to the Commission. If, upon re-submission of the corrected plan to the Village, the Village Administrator determines that the application is still incomplete or not correct, the plan application shall be subject to denial.
- (3) **Action By the Commission and the Governing Body** - All concept plan or site plan applications shall be reviewed by the Commission, and if in conformance with the provisions of this article and all other applicable regulations and codes of the Village, they shall then be considered for approval by the Governing Body.

The Village Administrator shall schedule consideration of the concept plan or site plan on the regular agenda of the Commission within forty-five (45) days after the submission is received, or, in the case of an incomplete submission, after the submission is deemed complete. The Commission shall review the concept plan or site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or site plan. If the Commission recommends approval, with or without conditions, of the plan, the it will be forwarded to the Governing Body for consideration. If the Commission recommends disapproval of a plan application, the Commission shall state such disapproval and the reasons therefor. The applicant or property owner may appeal such decision to Governing Body by filing a Notice of Appeal in the office of the Village Administrator no later than ten (10) calendar days after the date upon which the Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Governing Body shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The Governing Body may change the decision of the Commission by a majority vote. The Governing Body may also, where appropriate, remand the concept plan or site plan application back to the Commission for reconsideration by a majority vote if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony. The Governing Body shall determine final approval or disapproval of all concept plan or site plan applications.

- (4) **Revisions to the Concept Plan or Site Plan** - Revisions to an approved concept plan or plan shall be processed in accordance with subsections (1), (2), and (3) above.
- (i) **Lapse of Concept Plan or Site Plan Approval** - The approval of a concept plan or site plan shall be effective for a period of 183 calendar days beyond the date that the plan was approved by the Governing Body except as provided herein. By 12:01 a.m. on the 184th day following approval of the plan, the applicant must have completed a Village-required "progress benchmark" as set forth below. If this is not accomplished, then the approved concept plan or site plan shall be deemed to have expired and shall become null and void. The series of "progress benchmarks" for a project, pursuant to the provisions of this paragraph, are as follows:

<u>Approved Plan</u>	→	<u>Next "Progress Benchmark"</u>
Concept Plan (voluntary except with PDs, PROs, & CUPs)	→	Final site plan (per Zoning Ordinance), and preliminary plat (per Subdivision Ordinance), and continued active engineering review of the engineering plans, which were submitted along with the preliminary plat and final site plan.
Site Plan	→	Application for a building permit for at least one of the buildings on the approved site plan.

(j) **Extension and Reinstatement Procedure**

Prior to the lapse of approval for a concept plan or site plan, the applicant may petition the Village, in writing, to extend the plan approval. Such petition shall be considered at a public meeting before the Governing Body, and an extension may be granted by Governing Body at such meeting. If no petition for extension of concept plan or site plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void.

In determining whether to grant a request for extension, the Governing Body shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The Governing Body shall either extend the concept plan or site plan or deny the request, in which instance the originally approved plan shall be deemed null and void. The property owner must thereafter submit a new concept plan or site plan application for review and consideration of approval by the Village.

(k) **Concept Plan Requirements**

- (1) **Applicability** - Submission and approval of a concept plan, which is a voluntary plan except for Planned Development, Planned Development Overlay and Conditional Use zoning requests can be the first step in the approval process for a development project, whether residential or nonresidential, if the applicant chooses to do so. Village review and approval of a concept plan has many benefits for both the Village and the applicant. The applicant

benefits in that he or she gains preliminary review and scrutiny, as well as input and suggestions, on the overall conceptual layout of the proposed development from the Village's development review team. Approval of a concept plan may also offer the applicant some level of confidence that subsequent plan submissions will be favorably received and approved with few major changes to the project's design and layout provided that the project complies with Village regulations. For example, once the site plan, preliminary plat and corresponding engineering plans are submitted for a nonresidential project, unforeseen changes in site layout can prove to be expensive in terms of design and engineering costs and time lost during major plan revisions. The Village benefits in that it is allowed to become familiar with and involved in the project early in the development process, which is particularly important for large-scale developments and subdivisions. This allows the Village to plan for and closely coordinate the provision of public facilities and services, thereby potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination. Submission and approval of a concept plan is mandatory for a zoning request for a Planned Development, Planned Development Overlay and Conditional Use Permit. Submission and approval of a concept plan is encouraged, but not required, in the following circumstances:

- (A) In conjunction with a zoning or rezoning request for a property that is intended for development;
 - (B) Prior to submission of an application for a site plan and preliminary plat for a property that is intended for development, particularly large land parcels; or
 - (C) In conjunction with any project where a road is to be established or realigned.
- (2) **Purpose** - The purpose of a concept plan is to allow opportunity for the Commission and Governing Body to preview various development related aspects of the project, including proposed major thoroughfare and collector street patterns; land use patterns and trends; environmental issues and constraints; building orientation and massing; conformance to the Comprehensive Plan, this article, Future Land Use Plan, Thoroughfare Plan and other applicable plans and guidelines; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan would also assist the Village in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.
- (3) **Extent of Area That Should Be Included In A Concept Plan** - When the overall development project is to be developed in phases, the concept plan area shall include the entire zoned property from which the phases are being developed and an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items to be shown on a concept plan, the plan may

include a smaller study area. Boundaries such as major thoroughfares, whether existing or proposed, creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.

- (4) **Procedures and Submission Requirements For Concept Plan Approval** - Submission of an application for concept plan approval shall be preceded by a pre-application conference with the Village. The concept plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall show the following:
- (A) A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Travis County, Texas;
 - (B) A vicinity or location map that shows the location of the proposed development within the Village and in relationship to existing roadways;
 - (C) The boundary survey limits of the tract and scale distances with north clearly indicated;
 - (D) Color renderings, minimum size 24" x 36", that illustrate building appearances from all sides. Copies of such renderings shall be kept on file in the Village Administrator's office.
 - (E) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;
 - (F) The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features, such as rock outcroppings, caves and wildlife habitats; all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and school district boundaries;

- (G) Proposed strategies for tree preservation showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
 - (H) The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
 - (I) A general arrangement of land uses and buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainageways; and other pertinent development related features; and
 - (J) The phasing of development and an approximate time frame of the phased development.
- (5) **Effect of Review** - The concept plan shall be used only as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the concept plan shall not be deemed formal authorization or approval by the Village until a final site plan is approved for the development. The concept plan approval is to be thought of as a general acknowledgment by the Village that the proposed layout generally conforms to the Village's zoning regulations, and that the proposed development can be adequately served by required public facilities or services. If the applicant chooses to construct only the initial phase or phases of a multi-phase project designated in the concept plan, a new concept plan may be required for site plan approval of subsequent phases, if the proposed development layout, character, or other conditions affecting the development substantially change from one phase to the next.

The approved concept plan shall be valid for a period of 183 calendar days from the date of concept plan approval by the Governing Body.

(I) **Site Plan Review**

- (1) **Applicability and Purpose** - Submission and Village approval of a site plan is required as stated in Sec. 12.111(b). The purpose of final site plan approval is to ensure that a development project is in compliance with all applicable Village ordinances and guidelines prior to commencement of construction. Approval of the site plan, preliminary plat, landscape plan, building facade plan, and engineering plans are required prior to site construction.

- (2) **Extent of Area That Should Be Included In A Site Plan** - When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed or constructed.
- (3) **Procedures and Submission Requirements For Site Plan Approval** - Submission of an application for site plan approval shall be preceded by a pre-application conference with the Village. The site plan shall be prepared by a licensed civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed, including paving, buildings, landscaped areas, utilities. The site plan submission shall be comprised of the items set forth below. All required items and information must be received by the Village Administrator in order for a site plan submission to be considered complete. Incomplete submissions will not be reviewed until all deficient items and information have been received. The requirements are:
 - (A) An application form, in the format provided by the Village, with notarized signatures of the owner or his/her designated representative;
 - (B) Filing Fee (will be billed to the applicant at the time the application is considered complete and placed on the P&Z agenda);
 - (C) Verification that all tax assessments on the subject property have been paid;
 - (D) Copies of site plan on 24" X 36" sheet prepared by a licensed civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals one hundred feet (1" = 100'), and other information, the quality of which shall be determined by the Village Administrator.
 - (E) A title block within the lower right hand corner of the site plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Travis County, Texas;
 - (F) A current vicinity or location map that shows the location of the proposed development within the Village and in relationship to existing roadways;
 - (G) The boundary survey limits of the tract including metes and bounds, and each proposed lot, and scale distances with north clearly indicated;
 - (H) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks;

- (I) The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, with recording information; existing buildings; railroad rights-of-way; topography with contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features such as rock outcroppings, caves and wildlife habitats; and all substantial natural vegetation; water quality zones and existing manmade features;
- (J) Proposed strategies for tree preservation, showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
- (K) The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways, showing driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
- (L) General layout for the required public improvements, including water, wastewater, grading and storm drainage, streets, water quality, alleys, fire lanes and hydrants, the quality of which shall be determined by the Village Administrator.
- (M) Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages which for multi-tenant or multi-purpose buildings must show square footage for each intended use, massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures, proposed screening, pedestrian walkways, and parking areas including parking ratio calculations; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainageways; all proposed and existing utilities and easements; drainage structures; detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features; and
- (N) Information sufficient to show compliance with the development standards and use regulations contained in Sections 12.131 through 12.137, inclusive, of this article.
- (O) Building facade (elevation) plans showing elevations with any wall-mounted signage to be used, as determined appropriate by the Village Administrator.
- (P) If the application is for a single-family subdivision, a preliminary plat may qualify as a site plan.

- (Q) Any additional information and materials, such as plans, maps, exhibits, legal description of property, information about proposed uses, and deemed necessary by the Village Administrator, in order to ensure that the written request is understood and to demonstrate compliance with the comprehensive plan and the Village's Code of Ordinances.
- (R) Provision of the above items shall conform to the principles and standards of this article and the Comprehensive Plan. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.
- (4) **Effect of Review** - The approval of the site plan shall be considered authorization to proceed with construction of the site provided all other required Village approvals are obtained, such as preliminary plat, engineering plans, landscape plan, building facade plans, building permits. The approved site plan shall be valid for a period of 183 calendar days from the date of approval by the Governing Body.

Section 12.114(e)(7) is deleted.

Section 12.115(e)(7) is deleted.

Section 12.116(e)(14) is deleted.

Section 12.117(a) is amended to read as follows:

“(a) General Purpose and Description:

The SFA -- Single-Family Attached Residential District is intended to promote stable, quality, attached-occupancy residential development on individual lots, or by condominium units. Individual ownership of each lot or condominium unit is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and multi-family or non-residential areas or major thoroughfares."

A new Sec. 12.117(e) is added to read as follows:

“(e) Condominiums:

The requirements of the foregoing Sections 12.117(c) and (d) do not apply to condominium developments. Condominium developments are permitted subject to a maximum height of 50 feet and a maximum density of 21 units per acre.”

Sec. 12.117(e) is renumbered as Sec. 12.117(f).

Sec. 12.120(e)(2)(B) is amended to read as follows:

- “(B) Shall not occupy any of the parking spaces that are required by this article for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two nonconsecutive displays per calendar year.”

Sec. 12.120(e)(2)(G) is added to read as follows:

- “(G) Tents and the location of said tents may be approved for up to fifteen days by the Village Administrator in writing. An additional fifteen days may be granted by the Village Administrator in writing. Tents are exempt from subsection (A) above.”

Sec. 12.121(e)(3)(B) is amended to read as follows:

- “(B) Shall not occupy any of the parking spaces that are required by this article for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two nonconsecutive displays per calendar year.”

Sec. 12.121(e)(3)(G) is added to read as follows:

- “(G) Tents and the location of said tents may be approved for up to fifteen days by the Village Administrator in writing. An additional fifteen days may be granted by the Village Administrator in writing. Tents are exempt from subsection (A) above.”

Sec. 12.122(f)(1)(G)7 is added to read as follows:

- “7. Tents and the location of said tents may be approved for up to fifteen days by the Village Administrator in writing. An additional fifteen days may be granted by the Village Administrator in writing. Tents are exempt from subsection (1) above.”

Sec. 12.123(e)(2)(B) is amended to read as follows:

- “(B) Shall not occupy any of the parking spaces that are required by this article for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two nonconsecutive displays per calendar year.”

Sec. 12.123(e)(2)(G) is added to read as follows:

- “(G) Tents and the location of said tents may be approved for up to fifteen days by the Village Administrator in writing. An additional fifteen days may be granted by the Village Administrator

in writing. Tents are exempt from subsection (A) above."

Sec. 12.124(e)(5)(B) is amended to read as follows:

- "(B) Shall not occupy any of the parking spaces that are required by this article for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two nonconsecutive displays per calendar year."

Sec. 12.124(e)(5)(G) is added to read as follows:

- "(G) Tents and the location of said tents may be approved for up to fifteen days by the Village Administrator in writing. An additional fifteen days may be granted by the Village Administrator in writing. Tents are exempt from subsection (A) above."

Sec. 12.125(e)(5)(B) is amended to read as follows:

- "(B) Shall not occupy any of the parking spaces that are required by this article for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two nonconsecutive displays per calendar year."

Sec. 12.125(e)(5)(E) is added to read as follows:

- "(E) Tents and the location of said tents may be approved for up to fifteen days by the Village Administrator in writing. An additional fifteen days may be granted by the Village Administrator in writing. Tents are exempt from subsection (A) above."

The Use Charts are amended to read in the manner as those attached hereto.

Sec. 12.133(b)(9) is added to read as follows:

- "(9) Chain link fences may be used for schools, so long as the fence is vinyl coated and colored black or green."

Sec. 12.133(c) is amended to read as follows:

"(c) **Fences in Residential Areas:**

- (1) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.

- (2) Any fence or wall that faces a street shall be constructed of wood, ornamental iron, stone, stucco or brick facade. Wire fencing is permitted behind the foregoing materials. A fence that was in existence on or prior to August 29, 2000 may be restored to its original condition, may be repaired, and may be extended by 25% of its length as measured on or before August 29, 2000.
- (4) Gates designed for vehicular access shall be set back from the property line a minimum of twenty-five feet (25').
- (5) Fences around swimming pools shall comply with the Standard Swimming Pool Code and the Village's codes or ordinances pertaining to same.
- (6) Sec. 12.135(g) provides the sight visibility requirements for fences and screening walls.
- (7) Special purpose fencing, such as fencing around tennis courts, is permitted. If a chain link fence is used it shall be vinyl coated and colored black or dark green.
- (8) All fences require permits."

Sec. 12.134(b)(1)(A) is amended to read as follows:

- "(1) **Construction Standards** - The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the Village.

(A) Residential:

- A. All residential buildings and structures shall be of exterior fire resistant construction having at least seventy-five percent (75%) of the total exterior walls above grade level and below the first floor plate line, excluding doors and windows, constructed of brick, stone, granite, marble, hollow clay tile, brick veneer, exterior plasters, including stucco, or cement fiber siding, in accordance with the Village's Building and Fire Codes.
- 2. All principal buildings and structures located in the SFA and MF Districts shall be of exterior fire resistant construction having at least seventy-five percent (75%) of the total exterior walls, excluding doors and windows, constructed of brick, stone, granite, marble, hollow clay tile, brick veneer, exterior plasters, including stucco, or cement fiber siding, in accordance with the Village's Building and Fire Codes.
- 3. Concrete or metal exterior construction is not permitted on any residential structure.

4. Exemptions:
 - a) Barns on property of one (1) acre or more, provided that such barns are used solely for agricultural purposes as distinguished from commercial or industrial purposes, shall be exempt from provisions of this Section.
 - b) Mobile homes otherwise lawfully existing under the provisions of this article shall also be excluded from provision of this Section.
 - c) Historic structures.
 - d) Structures in existence on August 29, 2000, and any addition to those structures that does not exceed 50% of the heated and cooled square footage of the structure as measured on August 29, 2000.
5. Roof materials shall be composition (30 year), standing seam metal, terra cotta tiles, concrete tiles or slate in muted colors. Wood shingle, shake, and metal roofing systems associated with agricultural or industrial buildings are prohibited. Only flat pan, standing seam metal roof materials are allowed with a factory finish of an approved color. Natural metal roofs are not allowed, whether galvanized or metal aluminum.
6. The exterior color of all residential structures must be in keeping with the "Hill Country look" of the Village, and therefore shall be muted, rustic earth tones. Bright colors like pinks, purples, and those classified as primary colors are expressly prohibited."

Sec. 12.134(b)(1)(B)4 is amended to read as follows:

"4. Allowed roofing materials are those described in Section 12.134(b)(1)(A)5."

The definitions in Sec. 12.139 are amended as follows:

i. **The definition of Building Height is amended to read as follows:**

"Building Height - See Height (of Structures)."

ii. **A new definition of condominium is added as follows:**

"Condominium - A condominium project or unit as defined in the Uniform Condominium Act, Chapter 82, Property Code."

iii. The definition of Kennels (Indoor Pens) is amended to read as follows:

"Kennels - An establishment with indoor or outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, boarded and trained for commercial purposes."

iv. The definition of Kennels (Outdoor Pens) is deleted.

v. The definition of Offices, Professional and General Business is amended to read as follows:

"Offices, Professional and General Business - A room or group of rooms used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, medical and dental, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations."

vi. A new definition of Private Street is added as follows:

"Private Street - Any road or street that is not publicly owned and maintained, that is used for access by the occupants of a development and other authorized personnel. The definition includes the pavement and all of the right-of-way."

vii. A new definition of Public Street is added as follows:

"Public Street - A public roadway, constructed within the boundaries of an officially dedicated or deeded right-of-way, which affords principal means of access to abutting property. The definition includes the pavement and all of the right-of-way. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60')."

viii. The definitions of Restaurant or Cafeteria (With Drive-Through Service), Restaurant or Cafeteria (With No Drive-Through Service), and Restaurant or Eating Place (Drive-In Service) are deleted.

ix. A new definition of Restaurant is added as follows:

"Restaurant - An eating establishment where customers are primarily served at tables or are self served, where food is consumed on the premises. It may include facilities where take-out customers park their vehicles and go inside to pick up their take-out order. It does not include a drive-through ordering system nor a drive-through window, nor service to customers in their vehicles."

x. The definition of Street is amended to read as follows:

“Street - Any public or private street.”

Section 2. As hereby amended Article 12.100 of the Village's Code of Ordinances shall continue in full force and effect.

Section 3. This Ordinance shall be effective as of the date of its adoption.

Adopted this 14th day of August, 2001.


Mayor, Village of Bee Cave, Texas

ATTEST:


Secretary, Village of Bee Cave, Texas

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
AGRICULTURE	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
Bulk Grain and/or Feed Storage	P										P			
Farms, General (Crops)	P	P	C	C	C	C	C	C	C	C	C	C	C	C
Farms, General (Livestock/Ranch)	P	P	C	C	C	C	C	C	C	C	C	C	C	C
Greenhouse (Non-Retail/Hobby)	P	P	P								P	P		
Hav. Grain, and/or Feed Sales	P										P			
Livestock Sales	P													
Orchard/Crop Propagation	P	P	C	C	C	C	C	C	C	C	C	C	C	C
Plant Nursery (Growing for commercial purposes)	P										P			C
Stables (As A Business)	P	C									P			C
Stables (Private, Accessory Use)	P	P	C											C
Stables (Private, Principal Use)	P	C												C
RESIDENTIAL														
Accessory Building/Structure	P	P	P	P	P	P								
Accessory Building/Structure (Non-Residential)							P	P	P	P	P	P		
Accessory Dwelling	P	P	C											
Caretaker's/Guard's Residence	P	P	P		C	C	C	C	C	C	C	C		C
Condominium					P	P				C		C		
Community Home	P	P	P	P	P	P								
Duplex/Two-Family												C		
Family Home Adult Care	P	P	P	P	P	P								
Family Home Child Care	P	P	P	P	P	P								
Four Family (Quadraplex)						C				P		C		
Garage Conversion (See Definitions)				C	C									
Home Occupation	P	P	P	P	P	P				P		P		
Multi-Family (Apartments)						P				C		C		
Private Street Subdivision	C	C	C	C	C	C				C		C		
Rooming/Boarding House						P								
Single Family Detached	P	P	P	P	P	P						C		
HUD code - Manufactured Home														
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
RESIDENTIAL	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
Single Family Industrialized Home	P	P	P	P	P	P								
Single Family Townhouse (Attached)					P	P				P		P		
Single Family Zero Lot Line/Patio Homes				P	P					P		P		
Swimming Pool (Private)	P	P	P	P	P	P				P		P		
Three Family (Triplex)						P					C	C		
OFFICE														
Armed Services Recruiting Center							P	P	P	P	P	P		
Check Cashing Service							C	C	C	C	C	C		
Offices, Professional and General Business							P	P	P	P	P	P		
Telemarketing Agency							C	C	C	C	C	C		
Bank							P	C	P	P	P	P		
Savings and Loan							P	C	P	P	P	P		
Security Monitoring Company (No Outside Storage)							P	C	P	C	P	P		
PERSONAL AND BUSINESS SERVICES														
Appliance Repair								C	P		P	P		
Artist Studio							P	P	P	P	P	P		
Ambulance Service (Private)											C			
Automobile Driving School							C	C	P	C	P	P		
Automatic Teller Machines (ATM's)							P	P	P	P	P	P		
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
PERSONAL AND BUSINESS SERVICES	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
Barber Shop (Non-College)							P	P	P	P	P	P		
Beauty Shop (Non-College)							P	P	P	P	P	P		
Bed & Breakfast Inn	C	C	C	C	C	C	P	P	P	P	P	P		
Communication Equipment (Installation and/or Repair - No outdoor sales or storage)											P	P		
Computer Sales							C	P	P	P	P	P		
Credit Unions							P	C	P	P	P	P		
Dance/Drama/Music Schools (Performing Arts)							P	P	P	P	P	P		
Extended Stay Hotels/Motels (Residence hotels)							C		C	C	P	C		
Exterminator Service (No outdoor sales or storage)											C			
Financial Services (Advice/Invest)							P	P	P	P	P	P		
Funeral Home											P	C		
Hotel/Motel									C	P	P	P		
Martial Arts School							P	P	P	P	P	P		
Kiosk (Providing a Service)							C	C	C	C	C	C		
Laundry/Drv Cleaning (Drop Off/Pick							C	P	P	P	P	P		
Locksmith							C	P	P	C	P	P		
Mini-Warehouse/Self Storage											C			
Photo Studio							P	P	P	P	P	P		
Photocopying/Duplicating							P	P	P	P	P	P		
Security Quarters as Associated with a Business (Live-In)							C	C	C	C	C	C		
Sexually Oriented Business											C			
Shoe Repair							P	P	P	P	P	P		
Studio for Radio or Television (without tower)							P	P	P	P	P	P		
Tailor Shop							P	P	P	P	P	P		
Tool Rental (Indoor Storage)											C			
Tool Rental (Outdoor Storage)											C			
Travel Agency							P	P	P	P	P	P		
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
RETAIL	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
Alcoholic Beverage Retail Sales								C	P	P				
All Terrain Vehicle (go-carts) Dealer/Sales									C		P			
Art Dealer / Gallery							P	P	P	P	P	P		
Auto Dealer (Primarily New/Used)									C		C			
Auto Supply Store for New & Rebuilt									P		P			
Bakery (Retail)							C	P	P	P	P	P		
Bike Sales and/or Repair								P	P	C	P	P		
Book Store							C	P	P	P	P	P		
Building Material Sales									C		P	C		
Cabinet Shop (Manufacturing)											C			
Cafeteria							C	C	P	P	P	P		
Confectionary Store (Retail)							C	C	P	P	P	P		
Consignment Shop							C	C	P	P	P	P		
Convenience Store without gas sales								C	P	P	P	P		
Department Store									P	C	P			
Drapery Shop / Blind Shop									C		P			
Florist							C	P	P	P	P	P		
Food or Grocery Store								C	P	C	P	C		
Furniture Sales (Indoor)								C	P	P	P	P		
Garden Shop (Inside Storage)								C	P	C	P	P		
Gravestone/Tombstone Sales											P			
Handicraft Shop								P	P	P	P	P		
Hardware Store								P	P	P	P	P		
Home Improvement Center									C	C	P			
Kennels	P							C	C		C			
Lawnmower Sales and/or Repair									C		P			
Major Appliance Sales (Indoor)									P	P	P	P		
Market (Public)										C	P	C		
Motorcycle Dealer (Primarily New/Repair)									C		P			
Personal Watercraft Sales (Primarily New/Repair)									C		P			
Needlework Shop								P	P	P	P	P		
Pet Shop / Supplies									P	P	P	P		
Pharmacy							C	C	P	C	P	P		
Plant Nursery (Retail Sales/outdoor)							C	C	P	C	P	P		
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
RETAIL														
Recycling Kiosk							C	C	C	C	P	C		
Restaurant - No in-vehicle service - see definition							C	C	P	P	P	P		
Retail Shop and General Retail Stores								C	P	C	P	P		
Security Systems Installation Company								C	C		P	C		
Studio Tattoo or Body Piercing											C			
Upholstery Shop (Non-Auto)											C			
Used merchandise; Furniture, Antique Shop Store								C	C	C	P	C		
Vacuum Cleaner Sales and Repair								C	P	C	P	C		
Veterinarian (Indoor Kennels)								C	P	C	P	P		
Woodworking Shop (Ornamental)									P	C	P			
TRANSPORTATION AND AUTO SERVICES														
Auto Body Repair											C			
Auto Financing & Leasing (Indoor)							C	P	P	C	P	P		
Auto Glass Repair/Tinting											C			
Auto Interior Shop/Upholstery											C			
Auto Muffler Shop											C			
Auto Paint Shop											C			
Auto Repair (General)									C		C			
Auto Repair as an Associated Use to Retail Sales									C		C			
Auto Tire Repair/Sales (Indoor)									C		C			
Auto Wrecker Service											C			
Car Wash (Self Service)									C		P			
Full Service Car Wash (Detail Shop)								C	P	C	P	P		
Limousine/Taxi Service											C			
Public Garage/Parking Structure							C		C	C	P	C		
Quick Lube/Oil Change/Minor Inspection									P	C	P	C		
Tire Sales (Outdoors)											C			
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
AMUSEMENT & RECREATION SERVICE	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
Amusement Devices/Arcade (Four or More Devices)									C	C	P	C		
Amusement Services (Indoors)									C	C	P	C		
Amusement Services (Outdoors)										C	C	C		
Billiard/Pool Facility (Three or More Tables)									C		C			
Bingo Facility									C		C			
Bowling Center									C		C			
Broadcast Station (with Tower)	C										C	C		
Country Club (Private)	C	C	C	C	C	C	C	C	C					C
Dance Hall/ Dancing Facility									C	C	P	C		
Day Camp	C						C	C	C	C	C	C		C
Dinner Theater							C	C	P	P	P	P		
Driving Range	C										P	C		C
Earth Satellite Dish (Private, less than 3' in diameter)	P	P	P	P	P	P	P	P	P	P	P	P		P
Exhibition Hall									C	C				
Fair Ground	C													C
Golf Course (Miniature)											C			
Golf Course (Public/Private)	C	C	C	C	C	C	C	C	C	C	C	C		C
Health Club (Physical Fitness)							C	C	P	P	P	P		
Membership Sports							C	C	P	P	P	P		
Motion Picture Theater (Indoors)									C	P	P	P		
Motion Picture Studio, Commercial Film									C	C	P	C		
Museum							C	C	P	P	P	P		
Park and/or Playground	P	P	P	P	P	P	P	P	P	P	P	P		P
Travel Trailers/R.V.'s (Short Term Stays)	C										C			C
Rodeo Grounds	C													
Skating Rink											C			
Swimming Pool (Public/Private)	P	P	P	P	P	P	P	P	P	P	P	P		P
Tennis Court (Lighted)	C	C	C	P	P	P	C	C	C	C	C	C		C
Tennis Court (Private/Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P		P
Theater (Non-Motion Picture)							C	C	C	P	P	P		
Video Rental/Sales								P	P	P	P	P		
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
INSTITUTIONAL/ GOVERNMENTAL	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
Antenna (Non-Commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Antenna (Commercial)	SEE SECTION 12.130(c)													
Assisted Living Facility						C		C	C	C	P	C		
Broadcast Towers (Commercial)	SEE SECTION 12.130(c)													
Cellular Communications Towers/PCS	SEE SECTION 12.130(c)													
Cemetery and/or Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	P	C
Child Day Care (Business)							C	C	P	C	P	P		
Church/Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Civic Club							P	P	P	P	P	P	P	
Clinic (Medical)							P	P	P	P	P	P		
Community Center (Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical Generating Plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Electrical Transmission Line	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Emergency Care Clinic							P	P	P	P	P	P		
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Franchised Private Utility (not listed)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fraternal Organization							P	C	P		P	P	C	
Gas Transmission Line (Regulating Station)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Governmental Building (Municipal, State or Federal)		P	P	P	P	P	P	P	P	P	P	P	P	P
Group Day Care Home						P		C			P	P		
Heliport											C	C	C	C
Helistop										C	C	C	C	C
Hospice									C	C	P	P		
Hospital (Acute care/Chronic Care)							C		C	C	P	P		
Library (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mailing Service (Private)							P	P	P	P	P	P	P	P
Maternity Homes						C						C		
Non-Profit Activities by Church	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursing/Convalescent Homes						P	C	C	P		P	P		
Orphanage						C								
Philanthropic Organization							C	C	C	C	P	C	C	
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

USE CHARTS

Permitted Uses	Residential Districts						Nonresidential Districts							
AGRICULTURE	A	SF-RR	SF-20	SF-PH	SFA	MF-1	O	NS	R	TC	C	MU	P	DR
Phone Exchange/Switching Station							C		C	C	P	P	P	P
Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post Office (Governmental)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Radio/Television Tower (Commercial)							C	C	C	C	C	C	C	C
Rectorv/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Retirement Home/Home for the Aged						P						P		
School, Driving/Defensive Driving								C	P		P	P		
School, K through 12 (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, K through 12 (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Vocational (Business/Commercial Trade)									P	C	P	P		
Sewage Pumping Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Distribution Line	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wastewater Treatment Plan (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water Supply Facility (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water Supply Facility (Elevated Water Storage)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water Treatment Plant (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL AND WHOLESALE TRADE														
Book Binding											P			
Feed & Grain Store	C								C		P			
Furniture Manufacture											C			
Heating & Air-conditioning Sales/Service									C		P			
Livestock - Wholesale	C										C			
Pawn Shop											P			
Propane Sales (Retail)											P			
Taxidermist	C										P			
Transfer Station (Refuse/Pick-up)											C			
Veterinarian (Outdoor Kennels or Pens)	C													
Warehouse/Office											P			
Welding Shop											C			
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use														

[illegible]